



INTERNATIONAL STUDENT EMPLOYMENT

INFORMATION FOR EMPLOYERS

STEM OPT EXTENSION

NOW 24 MONTHS

This article provides information and addresses concerns employers may have about recent changes to the USCIS regulations about the STEM OPT (Optional Practical Training) Extension.

WHICH STUDENTS QUALIFY?

To be authorized for a 24-month STEM OPT Extension, students must meet the following criteria:

- Currently be on post-completion OPT
- Have completed all course requirements (except thesis/ dissertation or equivalent) for a bachelor's, master's, or doctoral degree in a Science, Technology, Engineering, or Mathematics (STEM) field per the SEVP STEM Designated Degree Program List
- Have a paid job or job offer for at least 20 hours per week from an employer registered in the USCIS E-Verify Program

EMPLOYER RESPONSIBILITIES

1. Report to a Designated School Official (DSO) within 5 business days if a student has been terminated from, or otherwise leaves employment prior to the end of the authorized period of the STEM OPT extension
2. Participate in the E-Verify Program
3. Have a Federal Employer Identification Number (EIN)
4. Agree to the terms of STEM OPT by completing their sections and signing the Training Plan (I-983)
5. Work with the student to fill out a new I-983 if there are any changes to the student's training plan
6. Review student's annual self-evaluations, add comments if desired, and sign to certify accuracy

TERMS AND CONDITIONS

Employers should note several regulations:

- "The employer has sufficient resources and personnel available and is prepared to provide appropriate training in connection with the specified opportunity"
- "The student's opportunity assists the student in reaching his or her training goals"
- "The student on a STEM OPT extension will not replace a full or part-time, temporary or permanent U.S. worker," meaning a U.S. worker cannot be discharged for the purpose of instead employing a STEM OPT student
- "Duties, hours, and compensation must be commensurate with terms and conditions applicable to the employer's similarly situated U.S. workers in the area of employment"

SITE VISITS

The regulations also state: "DHS, at its discretion, may conduct a site visit of any employer...to ensure that each employer possess and maintains the ability and resources to provide structured and guided work-based learning experiences..."

DHS will provide notice to the employer 48 hours in advance of any site visit [unless] the visit is triggered by a complaint or other evidence of noncompliance with the regulations..."

